

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE)	
SALES PRACTICES LITIGATION)	
)	MDL No. 1840
(This Document Relates to All Cases))	
)	Case No. 07-MD-1840-KHV
_____)	

ORDER

This multidistrict proceeding comes before the court on the motion of plaintiffs in various underlying cases for leave to file reply briefs in support of motions for class certification and certain exhibits thereto under seal and/or under seal ex parte (**docs. 1474, 1478, 1487, 1489, 1492, 1495, 1504, 1505, 1509, 1510**). The court deems it unnecessary to await a response from defendants. For the reasons stated below, the instant motions are granted.

Request for Documents to be Filed Ex Parte and Under Seal

The following documents contain material that a party has designated as “confidential-highly restricted access only” under the protective order (doc. 417), and the court grants plaintiffs leave to file them ex parte under seal:

- * Exhibits D and H to plaintiffs’ omnibus appendix in support of plaintiffs’ reply briefs for class certification.

Request for Documents to be Filed Under Seal

The following documents contain material that a party has designated as “confidential–attorneys’ eyes only” under the protective order (doc. 417), and the court

grants plaintiffs leave to file them under seal:¹

- * Plaintiffs' reply in *Telles v. ConocoPhillips Company*, No. 07-2369, and Exhibit P thereto;
- * Plaintiffs' reply in *Rushing v. BP West Coast Products LLC*, No. 07-2300, and Exhibit P thereto;
- * Plaintiffs' reply in *Barker v. ConocoPhillips Company*, No. 07-2345, and Exhibit 1 thereto;
- * Plaintiffs' reply in *Wilson v. Ampride*, No. 06-2582, and *American Fiber v. BP Corp.*, 07-2053, and Exhibits 17 and 21 thereto;
- * Plaintiffs' reply in *Wyatt v. B.P. America Corp.*, No. 07-2507;
- * Plaintiffs' reply in *Young v. ConocoPhillips Company*, No. 07-2510;
- * Plaintiffs' reply in *Lerner v. Costco Wholesale Corp.*, No. 07-2405;
- * Plaintiffs' reply in *Payne v. Chevron USA, Inc.*, No. 07-2366;
- * Plaintiffs' reply in *Jenkins v. Amoco Oil*, No. 07-2508, and Exhibits 1 and 2 thereto;
- * Exhibits J, K, and L to plaintiffs' omnibus appendix in support of plaintiffs' reply briefs for class certification.

The following documents contain material that a party has designated as “confidential” under the protective order (doc. 417), and the court grants plaintiffs leave to file them under seal:

- * Exhibit 14 to Plaintiffs' reply in *Wilson v. Ampride*, No. 06-2582, and *American Fiber v. BP Corp.*, 07-2053;

¹Plaintiffs request leave to file nearly all of the following documents ex parte, as well as under seal, but the protective order only contemplates ex parte filing of documents designated “confidential-highly restricted access only.”

- * Exhibits G and N to plaintiffs' omnibus appendix in support of plaintiffs' reply briefs for class certification.

Plaintiffs are reminded to follow the court's previous instructions regarding filing documents ex parte and/or under seal (*see* doc. 596, at 5-7). Specifically, once the above documents are filed, plaintiffs shall send them to liaison counsel for the parties, who shall then forward them to the appropriate attorneys pursuant to the protective order.

IT IS SO ORDERED.

Dated this 15th day of December, 2009, at Kansas City, Kansas.

s/ James P. O'Hara
James P. O'Hara
U.S. Magistrate Judge